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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,028	03/24/2000	MASASHI UEDA	105823	2293
25944	7590	02/12/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LETT, THOMAS J	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 02/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,028

Applicant(s)

UEDA ET AL.

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,14,15,17,18,23, and 24 is/are rejected.
- 7) ☒ Claim(s) 2-13,16 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tone characteristic setting device, condition preparing unit, characteristic setting unit, test chart production control unit, tone characteristic producing unit, storing unit, setting unit, input unit, measurement control unit, comparing unit, selecting unit, conversion unit, and the characteristic setting operation executing unit must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the term "nor" (p16, line 18) should be changed to read "or".

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: the term "from" (p17, line 7) should be changed to read "of".

Appropriate correction is required.

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4. The disclosure is objected to because of the following informalities: the term "mouser" (p17, line 10) should be changed to read "mouse".

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: the HDD (p25, line 2) should have a reference number of 14.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: the calibration file (p34, line 4) should have a reference number of 50.

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: the term "printer" (p41, line 19) should be changed to read "printers".

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: the terms "then the routine" (p53, line 2) should be changed to read "the routine then".

Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: the space between "50" and "%" should be removed (p69, lines 4 and 5, p70, line 2) and should be changed to read "50%".

Appropriate correction is required.

Claim Objections

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10. Claim 16 is objected to because of the following informalities: the extra spacing should be removed between the terms "material" and "and".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1, 2, 8, 15, 17, 18 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1, 2, 8, 15, 17, 18 and 23, applicant discloses a condition preparing unit in the Summary of the Invention but does not define or disclose much information in the Detailed Description of the application as to where it is being used. A CPU is described in the specification but it is unclear as to whether the condition preparing unit and the CPU (normally, a central processing unit) are performing similar functions. If the condition preparing unit is indeed the CPU, then that association must be made clear. In addition, a characteristic setting unit is also described in the Summary of the Invention but is not clearly pointed out in the Detailed Description section of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 1, 15, 17, 18 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimazaki (US Patent 6,473,197).

Regarding claim 1, Shimazaki discloses a color correction apparatus, for effecting the color correction of an input/output apparatus connected to a system, comprising:

- printer-condition correction data 44 for correcting the printer conditions, such as the machine difference, changes over time, and the like, of the color printer 12, are stored in the data memory 42 (col 12, line 60) which reads on a memory storing data of tone characteristic of an image forming device.
- a personal computer, and controls calibration adjustment of the color printer 12 by transmitting test chart data, to the color printer 12 connected to the editing apparatus 10 (col 5, lines 41-44), which reads on controlling the image formation device to produce a test chart.

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- a CPU 30 reading the printer-condition correction data k in the RAM 34 (Step 204). This printer-condition correction data is stored in the data memory 42, but the printer-condition correction data 70 of the color printer 12 may be read (col 13, lines 6-12), which reads on a condition preparing unit preparing a condition for setting tone characteristic based on either one tone data in memory or a test chart produced by the image formation device.
- an operator visually comparing the test chart and reference data printed in standard gradations, and if correction is necessary, the operator adjusts the conditions of the printer (col 5, lines 50-54) which reads on a characteristic setting unit setting tone characteristic based on the condition prepared by the condition preparing unit (editing apparatus 10).

Regarding claim 15, Shimazaki discloses:

- the color printer 12 outputs a test chart 16 for correcting the difference between the color printing proof image 14 and color printed matter 26, which occurs due to conditions of the printer, such as a machine difference and the like of the color printer. An operator visually compares the test chart 16 and reference data 18 printed in standard gradations, and if correction is necessary, the operator adjusts the conditions of the printer through the editing apparatus 10 (col 5, lines 45-54), which reads on an input unit for enabling the user to input an observation result and a characteristic setting operation executing unit executing, in response to

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the input of the observation result an operation to set tone characteristic indicative of the image formation device.

Regarding claim 17, Shimazaki discloses an editing apparatus 10 can comprise, a personal computer, and controls calibration adjustment of the color printer 12 by transmitting test chart data (col 5, 41-43 and see Fig. 1), which reads on a condition preparing unit includes an instruction input unit enabling the user to input an instruction to produce the test chart.

Regarding claim 18, Shimazaki discloses the test chart data may be stored in advance in the data memory 42, which is contained in the editing apparatus 10 (col 13, lines 4-5), which reads on a condition preparing unit includes another memory storing test data for producing the test chart.

13. Claim 24 is a software method claim related that can automate the device of claim 1 and is rejected for the same reasons as those of claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki (US Patent 6,473,197) in view of Nakajima et al (US Patent 6,618,168). Shimazaki discloses printer-condition correction data 44 for

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correcting the printer conditions, such as the machine difference, changes over time, and the like, of the color printer 12, are stored in the data memory 42 (col 12, line 60) which reads on a memory storing data of tone characteristic of an image forming device. Shimazaki discloses an editing apparatus 10 can comprise, for example, a personal computer, and controls calibration adjustment of the color printer 12 by transmitting test chart data, to the color printer 12 connected to the editing apparatus 10 (col 5, lines 41-44), which reads on controlling the image formation device to produce a test chart. Shimazaki discloses the CPU 30 reads the printer-condition correction data k in the RAM 34 (Step 204). This printer-condition correction data is the one stored in the data memory 42, but the printer-condition correction data 70 of the color printer 12 may be read (col 13, lines 6-12), which reads on a condition preparing unit preparing a condition for setting tone characteristic based on either one tone data in memory or a test chart produced by the image formation device. Shimazaki discloses, through the use of the editing apparatus, an operator visually compares the test chart and reference data printed in standard gradations, and if correction is necessary, the operator adjusts the conditions of the printer (col 5, lines 50-54) which reads on a characteristic setting unit setting tone characteristic based on the condition prepared by the condition preparing unit. Shimazaki does not disclose expressly a device comprising a conversion unit that converts an original tone data into input tone data to be supplied to the image formation device. Nakajima et al discloses an image processing unit 14 which comprises a color/tone conversion unit 16 which converts the image data so that the color or

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tone thereof becomes suitable for printing (col 4, lines 10-15). Shimazaki and Nakajima et al are analogous art because they are from the similar problem solving area of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of a tone conversion unit to Shimazaki in order to obtain qualities of an image more suitable for printing. The motivation for doing so would be to input suitable data to the printer. Therefore, it would have been obvious to combine Nakajima et al with Shimazaki for the benefit of pleasing output results to obtain the invention as specified in claim 14.

Allowable Subject Matter

15. Claims 2-13, 16, and 19-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:

Crystal Park II


2121 Crystal Drive

Arlington, VA

Sixth Floor (Receptionist).

TJL




KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER